

Decision 02-11-062 November 21, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Riverside County Transportation Commission for authority to construct a pedestrian overpass at railroad milepost 24.0 and a pedestrian emergency grade crossing at railroad milepost 24.08 of the BNSF Railroad Co. San Bernardino Subdivision main line as part of the construction of a new station in the City of Corona, County of Riverside.

Application 01-12-024
(Filed December 20, 2001;
Petition for Modification
filed June 26, 2002)

ORDER MODIFYING DECISION 02-04-044

By Decision (D.) 02-04-044, dated April 22, 2002, in Application (A.) 01-12-024, Riverside County Transportation Commission (RCTC or Applicant) was granted Commission authority to construct a pedestrian overpass of the Burlington Northern Santa Fe Railway Company (BNSF) tracks at railroad milepost 24.0 and a pedestrian emergency grade crossing at railroad milepost 24.08 as part of the construction of a new Metrolink station in the City of Corona (City), County of Riverside.

On April 22, 2002, Applicant filed Petition for Modification of D.02-04-044, stating that D.02-04-044 needs to be clarified to allow the use of the pedestrian emergency grade crossing for passenger access to the station loading/unloading platforms, prior to the construction of the pedestrian overpass. D.02-04-044 does not address the use of the pedestrian emergency grade crossing during the period of time for construction of the pedestrian overpass. Such use is required for station operation.

The pedestrian overpass and pedestrian grade crossing are the only two available routes for passengers to access the north and south platforms and parking facilities of the station. In the approximate seven-month period where the station is operational until the completion of the pedestrian overpass, the pedestrian emergency grade crossing will be the only route for passengers to access the north and south platforms and parking facilities of the station. The passenger emergency grade crossings at the North Main Corona Station have automatic crossing protection, utilizing lights and audible warning devices with intertrack fences and gates, and the presence of RCTC-contracted security forces.

The applicant is currently scheduled to start construction of the new North Main Corona Metrolink commuter rail station on July 1, 2002. Metrolink commuter trains are currently scheduled to begin Metrolink service at the North Main Corona Station on October 26, 2002. Prior to this project, RCTC constructed three other Metrolink commuter rail stations in conjunction with BNSF at downtown Riverside, Riverside-La Sierra and West Corona. In each of the previous three instances, the station was in operation for approximately five years prior to the construction of the pedestrian overpass. A pedestrian grade crossing, similar to the North Main Corona Station, was provided at each station to allow passenger access to and from the south and the north platforms and parking facilities of the respective Metrolink station. During the five-year period, there were no accidents for passenger grade crossings at Metrolink stations.

City, on behalf of RCTC, is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. City prepared an Initial Study/Environmental Checklist dated September 17, 2001 for this project in accordance with the City's local guidelines for implementing for the CEQA. City believes there is no evidence that the proposed

project will have the potential for adverse effects on wildlife resources and the impacts are found to be de minimis pursuant to Section 711.4 of the Fish and Game Code. On September 26, 2001, City filed a Negative Declaration with the Riverside County Clerk's Office, which found that the project would not have a significant effect on the environment.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the City's environmental documentation. The City environmental review found no significant environmental impacts and approved the project without mitigation measures. The Commission finds that the City's environmental documentation is adequate for our decision-making purposes and that the City's findings and determination are reasonable. Accordingly, we will adopt the City's findings that the project will not have a significant effect on the environment.

Notice of the Petition for Modification of D.02-04-044 was published in the Commission's Daily Calendar on June 27, 2002. No protests have been received. A public hearing is not necessary. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. RCTC requests Commission authority to use the pedestrian emergency grade crossing during the period of time for construction of the pedestrian overpass and pedestrian bridge elevator.

2. City, on behalf of RCTC, is the lead agency for this project under CEQA. On September 26, 2001, City filed a Negative Declaration with the Riverside County Clerk's Office, which found that project would not have a significant effect on the environment.

3. The Commission is a responsible agency for this project under CEQA.

4. City, BNSF, and staff of the Commission's Consumer Protection and Safety Division, Rail Crossings Engineering Section are in agreement with the RCTC's request.

Conclusions of Law

1. City's environmental documents are adequate for our decision-making purposes.

2. City's environmental findings and determination are reasonable and we adopt them for purposes of our approval.

3. Petition for Modification of D.02-04-044 in Application 01-12-024 should be granted as set forth in the following order.

IT IS ORDERED that:

1. The Riverside County Transportation Commission is authorized to use the pedestrian emergency grade crossing for passenger access to station loading/unloading platforms, prior to the construction of the pedestrian overpass.

2. In all other respects, Decision (D.) 02-04-044, dated June 26, 2002, in Application 01-12-024 shall remain in full effect.

3. Petition for Modification of D.02-04-044 is closed.

This order is effective today.

Dated November 21, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

CARL W. WOOD

MICHAEL R. PEEVEY

Commissioners

Commissioner Geoffrey F. Brown, being
necessarily absent, did not participate.